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THE FARRELL LAW FIRM, P.C.			MCLEOD, MARSHALL M	
333 EARLE OVINGTON BOULEVARD				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/811,546	PARK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MARSHALL MCLEOD	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 February 2008.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Salomaki (Pub. No US 20030065788 A1).**

3. With respect to claim 1, Salomaki discloses an apparatus for providing a messenger service (page 4 [0009] lines 1-2), comprising:

- a. a client terminal for requesting presence attribute data to be updated from a server when it is reconnected to the server having been previously connected to the client terminal to perform the messenger service, and updating presence attribute data stored at a time of a previous connection upon receiving the presence attribute data to be updated from the server (page 4 [0009] lines 1-24); and
- b. a server for receiving a presence attribute data request to be updated from the client terminal, and transmitting only updated presence attribute data, created after

releasing the previous connection, from among current presence attribute data to the client terminal (page 4 [0009] lines 1-24).

4. With respect to claim 2, Salomaki discloses a presence attribute database (DB) connected to the server to store presence attributes for the messenger service (page 2 [0013] lines 1-5).

5. With respect to claim 3, Salomaki discloses wherein the client terminal creates a synchronization key value composed of a session ID, a client ID, and a transaction ID stored at a connection release time, and transmits the created synchronization key value to the server such that the client terminal requests from the server presence attribute data to be updated from among current stored presence attribute data (page 12 [0148] lines 1-11). It is to be noted that in any type of messaging system that both a session ID and a client ID, will be created whenever a request or response is sent and a transaction ID will also be created and associated with the request or response.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salomaki (Pub. No US 20030065788 A1) in view of Kimichi et al. (Pub. No US. 20020120760 A1), hereinafter Kimichi.**

8. With respect to claim 4, Salomaki discloses where the client ID is a unique ID of the client terminal storing the presence attribute data (page 12 [0128], [0131]), and the transaction ID is an ID of the last transaction by which one request signal and one response signal were communicated between the client terminal and the server before the connection release time (Page 12, [145-148]). But does not disclose wherein: the session ID is a unique ID of a previous connection between the server and the client terminal. However, Kimichi discloses wherein: the session ID is a unique ID of a previous connection between the server and the client terminal (page 9 [0120] Figure 7a, page 13 [0142]), and the transaction ID is an ID of the last transaction by which one request signal and one response signal were communicated between the client terminal and the server before the connection release time (page 28 [0424] lines 1-6). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Salomaki with the teachings of Kimichi. Because a person having ordinary skill in the art at the time of the invention, would know that making the session ID a unique ID is necessary for all messages and making the session ID a unique ID of a previous connection between the server and the client terminal would make the messaging service simpler and more efficient by saving system resources.

9. With respect to claim 9, Salomaki as modified discloses a method for synchronizing presence attribute data between a client terminal and a server in an apparatus composed of the client terminal and the server providing the client terminal with a messenger service, comprising the steps (page 1 [0007] lines 1-16) of:

- a. upon receiving a presence attribute data request to be updated from the client terminal, controlling the server to transmit to the client terminal only updated presence attribute data, created after releasing the previous connection, from among current presence attribute data (Salomaki page 7 [0082] lines 1-21); and
- b. controlling the client terminal to update presence attribute data stored at a time of a previous connection upon receiving presence attribute data to be updated from the server (Salomaki page 7 [0082] lines 1-21; page 7 [0083] lines 1-3).

Salomaki does not disclose if the client terminal is reconnected to the server having been previously connected to the client terminal to perform the messenger service, controlling the client terminal to request presence attribute data to be updated by the server. However, Kimichi discloses if the client terminal is reconnected to the server having been previously connected to the client terminal to perform the messenger service, controlling the client terminal to request presence attribute data to be updated by the server (page 27 [0400] lines 1-8). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Salomaki with the teachings of Kimichi. Because allowing the controlling client to request presence attribute data to be updated by the server will help to minimize errors and faults and save time and speed up the messaging service, because the messaging service will not have to acquire new attribute data, only get an update from the server.

11. With respect to claim 10, Salomaki as modified discloses controlling the client terminal to create a synchronization key value composed of a session ID, a client ID, and a transaction ID stored at a connection release time, and transmitting the created synchronization key value to the server (page 12 [0148] lines 1-11). It is inherent in any type of messaging system that both a session ID and a client ID, is will be created whenever a request or response is sent and a transaction ID is created and associated with the request or response.

12. With respect to claim 11, Salomaki as modified discloses the client ID is a unique ID of the client terminal storing the presence attribute data (Salomaki page 12 [0128], [0131]), but does not disclose wherein the session ID is a unique ID of a previous connection between the server and the client terminal, and the transaction ID is an ID of the last transaction by which one request signal and one response signal are communicated between the client terminal and the server before the connection release time. However, Kimichi discloses wherein the session ID is a unique ID of a previous connection between the server and the client terminal (Kimichi page 9 [0120] Figure 7a, page 13 [0142]), and the transaction ID is an ID of the last transaction by which one request signal and one response signal are communicated between the client terminal and the server before the connection release time (Kimichi page 28 [0424] lines 1-6). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Salomaki with the teachings of Kimichi. Because a person having ordinary skill in the art at the time of the invention, would know that making the session ID a unique ID is necessary for all messages and making the session ID a unique ID of a previous connection between the server and the client terminal would make the messaging service simpler

by saving system resources. Also, It would have been obvious to a person having ordinary skill in the art at the time of the invention that making the transaction ID an ID of the last transaction by which one request signal and one response signal were communicated between the client terminal and the server before the connection release time is inherent in all messaging systems. Because in any messaging system once a connection is made and there is a request and a response an ID (i.e. transaction ID) is created and associated with that request and response.

**13.     Claims 5, 7-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salomaki (Pub. No US 20030065788 A1), in view of Kimichi et al. (Pub. No US. 20020120760 A1), hereinafter Kimichi and further in view of Liao et al. (Patent No US 6480957 B1), hereinafter Liao.**

14.     With respect to claim 5, Salomaki discloses requesting presence attribute data to be updated using the created synchronization key value from the server, and updating presence attribute data stored (page 7 [0082] lines 1-21; page 7 [0083] lines 1-3), at a previous connection time upon receiving presence attribute data to be updated from the server (page 7 [0082] lines 1-21; page 7 [0083] lines 1-3). Salomaki also disclose a server for receiving the synchronization key value from the client terminal, comparing presence attribute data stored in response to the synchronization key with current presence attribute data when a predetermined synchronization key value equal to the synchronization key value is detected, reading updated presence attribute data, and transmitting only the updated presence attribute data to the client terminal (page 6 [0081] lines 17-26; page 7 [0081] lines 1-4, [0082] lines 1-21); and a presence attribute DB

connected to the server to store presence attributes for the messenger service (page 2 [0024] lines 1-5; page 10 [0115] lines 1-11). But, Salomaki does not disclose a client terminal for creating a synchronization key value composed of current stored session ID and client ID, and an ID of a transaction completed during a communication between the server and the client when the client is reconnected to a server having been previously connected to the client terminal to perform the messenger service.

However, Liao discloses a client terminal for creating a synchronization key value composed of current stored session ID and client ID, and an ID of a transaction completed during a communication between the server and the client when the client is reconnected to a server having been previously connected to the client terminal to perform the messenger service (column 12, lines 36-51).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Salomaki with the teachings of Liao. Because, a client terminal for creating a synchronization key value composed of current stored session ID and client ID, and an ID of a transaction completed during a communication between the server and the client when the client is reconnected to a server having been previously connected to the client terminal to perform the messenger service. Would make the messenger service more efficient and faster by not requiring as much time and resources to acquire new session ID's, client ID's, and transaction ID's.

15. With respect to claim 7, Salomaki discloses wherein the server, if a synchronization key equal to the received synchronization key is stored in the presence attribute DB, compares current presence attribute data with the last valid presence attribute data stored in response to the synchronization key at a time of a connection release between the server and the client terminal to determine if there is at least one updated field, reads the updated field, includes the updated field in a response data field to a presence attribute request, and transmits it to the client terminal (page 7 [0082] lines 1-21).

16. With respect to claim 8, Salomaki discloses wherein the server transmits data indicative of a null status to the response data field when there is no updated presence attribute data (page 7 [0089] lines 4-7; page 8 [0089] lines 1-6).

17. With respect to claim 12, Salomaki as modified discloses a method for synchronizing data between a client terminal and a server in an apparatus composed of the client terminal and the server providing the client terminal with a messenger service, comprising the steps (page 1 [0007] lines 1-16) of:

- a. controlling the client terminal to create a synchronization key value composed of current stored session ID and client ID, and an ID of a transaction normally completed during a communication time between the server (page 12 [0148] lines 1-11).
- b. controlling the server to receive the synchronization key value from the client terminal, compare presence attribute data stored in response to the synchronization key with current presence attribute data when a predetermined synchronization key value

equal to the synchronization key value is detected, read updated presence attribute data, and transmit only the updated presence attribute data to the client terminal (page 6 [0081] lines 17-26; page 7 [0081] lines 1-4, [0082] lines 1-21); and

c. controlling the client terminal to update presence attribute data stored at a previous connection time upon receiving the presence attribute data to be updated from the server, and synchronize the updated presence attribute data with data of the server (page 7 [0082] lines 1-21; page 7 [0083] lines 1-3).

Salomaki does not disclose the client when the client terminal is reconnected to the server having been previously connected to the client terminal to perform the messenger service, and requesting from the server presence attribute data to be updated using the created synchronization key value. However, Kimichi discloses the client when the client terminal is reconnected to the server having been previously connected to the client terminal to perform the messenger service, and requesting from the server presence attribute data to be updated using the created synchronization key value (page 27 [0400] lines 1-8). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Salomaki with the teachings of Kimichi. Because allowing the client to use stored session ID's and client ID's, and an ID's of a transaction normally completed during a communication when the client is reconnected to the server will save time and speed up the messaging service, because the service will not have to acquire new ID's.

**18. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salomaki (Pub. No US 20030065788 A1) in view of Liao et al. (Patent No US 6480957 B1), hereinafter Liao and further in view of Kimichi et al. (Pub. No US. 20020120760 A1), hereinafter Kimichi.**

19. With respect to claim 6, Salomaki discloses where the client ID is a unique ID of the client terminal storing the presence attribute data (page 12 [0128], [0131]), but does not disclose wherein: the session ID is a unique ID of a previous connection between the server and the client terminal, and the transaction ID is an ID of the last transaction by which one request signal and one response signal were communicated between the client terminal and the server before the connection release time. However, Kimichi discloses wherein: the session ID is a unique ID of a previous connection between the server and the client terminal (page 9 [0120] Figure 7a, page 13 [0142]), and the transaction ID is an ID of the last transaction by which one request signal and one response signal were communicated between the client terminal and the server before the connection release time (page 28 [0424] lines 1-6).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Salomaki with the teachings of Kimichi. Because a person having ordinary skill in the art at the time of the invention, would know that making the session ID a unique ID is necessary for all messages and making the session ID a unique ID of a previous connection between the server and the client terminal would make the messaging service simpler by saving system resources. Also, It would have been obvious to a person having ordinary skill in the art at the time of the invention that making the transaction ID an ID

of the last transaction by which one request signal and one response signal were communicated between the client terminal and the server before the connection release time is inherent in all messaging systems. Because in any messaging system once a connection is made and there is a request and a response an ID (i.e. transaction ID) is created and associated with that request and response.

***Response to Arguments***

20. Applicant's arguments filed 25 February 2008 have been carefully and respectfully considered, but are still not persuasive.

21. With respect to applicant's arguments at the top of page 3 of the instant arguments, in regards to the rejection of claim 1. Applicant contends that Salomaki fails to teach, disclose, or suggest, "transmitting only updated presence attribute data, created after releasing the previous connection, from among current presence attribute data." Therefore, Salomaki fails to anticipate Claim 1. The examiner respectfully disagrees, and refers applicant to the rejection of claim 1 above in conjunction with prior art Salomaki (Page 11; [0123], lines 3-9; i.e. which disclose a proxy (i.e. proxy server) which updates a client with current presence information. This update occurs as disclosed "when a client comes on-line" which means that the current presence information used to update the client, as Salomaki discloses was created after releasing the previous connection. Also in order to get this information which the server uses to update the client Salomaki discloses "that the proxy temporarily stores presence values of different presence

sets traveling uplink from the publisher to the server or downlink from the server to a subscriber (i.e. client)).

22. With respect to applicant's arguments in the middle of page 3 of the instant arguments, in regards to the rejection of claim 9. Applicant contends that Kimichi discloses transmitting a Call/Ended transaction upon reconnection to a service but does not "teach, disclose, or suggest that the Call/Ended transaction is a request for presence attribute data to be updated by the server". The examiner respectfully disagrees, and refers applicant to the rejection of claim 9 above in conjunction with prior art Kimichi (Page 27; [0400], lines 1-8; i.e. which discloses "the client terminal is reconnected to the server having been previously connected to the client terminal to perform the messenger service"). The examiner respectfully would like to point out to the applicant that the Call/Ended transaction was just a by product of the feature of reconnection to a service which was the intended point that reads on the quoted above element, of applicant's claim. The examiner would also like to refer applicant to (Page 27, [0401] and [406], lines 1-5) of the prior art Kimichi, which discloses that the "client may request the DisplayName of a buddy to be changed, using the BLModify transaction, the server again may modify the requested buddy in the client. . .". The quoted lines of Kimichi, which when taken in conjunction with the rejection of claim 9 above further explains that the prior art Kimichi reads on applicant's limitation "controlling the client terminal to request presence attribute data to be updated by the server". The examiner respectfully state to applicant that "Buddy information" in an instant messaging system is presence data. ). The examiner also respectfully reminds applicant that claim 9 is a 35 U.S.C. 103(a) rejection and that Kimichi is combined with

Salomaki and must be viewed together as combined. Hence, the prior art Salomaki address applicant's argument of "transmitting only updated presence attribute data, created after releasing the previous connection, from among current presence attribute data to the client terminal." Salomaki discloses this limitation on (Page 11; [0123], lines 3-9), as explained in the examiner's response to applicant's argument of claim 1 above.

23. With respect to applicant's arguments at the top of page 4 of the instant arguments, in regards to the rejection of claims 5 and 12. Applicant contends that Salomaki fails to teach, disclose, or suggest, "transmitting only updated presence attribute data, created after releasing the previous connection, from among current presence attribute data." The examiner respectfully disagrees, and refers applicant to the rejection of claims 5 and 12 above in conjunction with prior art Salomaki (Page 11; [0123], lines 3-9), as explained in the examiner's response to applicant's argument of claim 1 above.

Applicant also argues that Liao fails to teach, disclose, or suggest, "a synchronization key composed of a stored session ID, a client ID, and an ID of a completed transaction created when the client is reconnected to the server". The examiner would respectfully like to remind the applicant that claims 5 and 12 are 35 U.S.C. 103(a) rejections and that Liao is combined with Salomaki and must be viewed together as combined. Hence, the examiner refers applicant to prior art of Liao (Column 12, lines 58-65; which discloses a service request (tSR) that includes a session ID and a transaction ID, which reads upon applicants' limitation "synchronization key composed of a stored session ID and an ID of a completed transaction") also (Column 3, lines 66-67 continued through to Column 4, lines 1-10). Again Liao as combined with Salomaki must

be viewed together as combined and in conjunction with the rejections of claims 5 and 12.

Wherein Salomaki cures the deficiencies of Liao and discloses (Page 11; [0123], lines 3-9; i.e. ...where the client comes on-line which reads on “the client is reconnected to the server”).

24. With respect to applicant’s arguments in the middle of 4 of the instant arguments, in regards to the rejection of claim 12. Applicant further contends that Kimchi et al. does not teach, disclose, or suggest, “requesting from the server presence attribute data to be updated using the created synchronization key value,”. The examiner respectfully disagrees, and reminds the applicant that claim 12 is a 35 U.S.C. 103(a) rejection and that Kimichi is combined with Salomaki and must be viewed together as combined. As such, the examiner refers applicant to the rejection of claim 12 above in conjunction with the response to applicants’ arguments for claim 9 above. The examiner also refers applicant to prior art Kimichi (Page 27; [0404], lines 1-2; i.e. which discloses “the server and client insure data is synchronized by calculating a BLCookie value,” the BLCookie value reads on applicants synchronization key value.).

25. With respect to applicant’s arguments at the bottom of 4 of the instant arguments, in regards to the rejections of claims 2-4, 6-8 and 10-11. Applicant contends that because the claims are dependent claims, they are believed to be in condition for allowance for at least the reasons given above with regard to their respective independent Claims 1, 5, 9, and 12. The examiner respectfully disagrees, and refers the applicant to the examiner’s responses above, to the applicant’s arguments for claims 1, 5, 9, and 12.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m.-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marshall McLeod  
4/24/2008

/Ario Etienne/  
Supervisory Patent Examiner, Art Unit 2157